

REMARKS

Claims 1-28, 30-41 and 44-54 are pending in the present application with claims 1, 10, 20, 30 and 41 being independent. Reconsideration in view of the following remarks is kindly requested.

ALLOWABLE SUBJECT MATTER

Applicants note that the Examiner has not rejected claim 13. Applicants shall presume that claim 13 is allowable unless the Examiner indicates otherwise.

A.) CLAIM REJECTIONS UNDER 35 USC § 102

(i) The Rejections Based on Alleged Admitted Prior Art

Claims 1, 10-11, and 20-21 stand rejected under 35 USC §102(b) as allegedly being anticipated by the prior art disclosed in the instant application (Applicant's Admitted Prior Art, hereinafter "AAPA"). Applicants respectfully disagree and traverse these rejections.

CLAIMS 1, 10 AND 11

Applicants respectfully submit that the AAPA fails to teach or suggest a method for use in a system that is adapted to communicate a primitive data stream, the primitive data stream including a plurality of sub-streams, where

the processed sub-stream includes a plurality of strata, in combination with other features.

In contrast, the AAPA discloses a primitive data steam being divided into a plurality of sub-steams. There is no disclosure within the AAPA that the substructure of the sub-steam includes a plurality of strata, as in claims 1, 10 and 11.

Because the AAPA fails to disclose each and every feature of the claimed inventions, the AAPA cannot provide a basis for a rejection under 35 USC § 102(b). Withdrawal of these rejections and allowance of claims 1, 10 and 11 is respectfully requested.

CLAIM 20 AND 21

Applicants respectfully submit that the AAPA fails to disclose a method for processing a received signal that includes at least a portion of at least one processed sub-stream, each sub-stream including a respective plurality of sub-stream-components, in combination with other features.

Instead, the AAPA discloses a primitive data steam being divided into a plurality of sub-steams. The AAPA fails to disclose that each sub-steam includes a respective plurality of sub-stream-components, as in claims 20 and 21.

Because the AAPA fails to disclose each and every feature of the claimed inventions, the AAPA cannot provide a basis for a rejection under 35 USC §

102(b). Withdrawal of these rejections and allowance of claims 20 and 21 is respectfully requested.

(ii) The rejections based on U.S. Patent No. 6,878,248 to Elgamal et al. ("Elgamal")

Claims 30 and 41 stand rejected under 35 USC § 102(e) as allegedly being anticipated by Elgamal. Applicants respectfully disagree and traverse these rejections.

CLAIM 30

Applicants respectfully submit that Elgamal fails to disclose a transmitter that comprises at least: a first stratifier that stratifies a component data stream into a processed sub-stream, the processed sub-stream component having a plurality of strata, in combination with other features.

Elgamal at best appears to disclose an input stream being divided into substreams. Elgamal does not disclose that a processed sub-stream component includes a plurality of strata, as in claim 30.

Because Elgamal fails to disclose each and every feature of claim 30, Elgamal cannot provide a basis for a rejection under 35 USC § 102(e). Withdrawal of the rejection and allowance of claim 30 is respectfully requested.

CLAIM 41

Applicants respectfully submit that Elgamal fails to disclose a receiver that comprises at least: at least one receive antenna; each receive antenna having an output for outputting a receive antenna signal; each receive antenna signal including at least a portion of at least one processed sub-stream; each processed sub-stream including a plurality of strata; and where each stratum of each processed sub-stream represents a respective one of a plurality of sub-stream-components of the respective sub-streams of the processed sub-stream, in combination with other features.

Elgamal at best appears to disclose the division of an input stream into sub-streams. There is no disclosure of a processed sub-stream that includes a plurality of strata, each stratum of each processed sub-stream representing a respective one of a plurality of sub-stream-components as in claim 41.

Because Elgamal fails to disclose each and every feature of claim 41, Elgamal cannot provide a basis for a rejection under 35 USC § 102(e). Withdrawal of the rejection and allowance of claim 41 respectfully requested.

B). CLAIM REJECTIONS UNDER 35 USC § 103

Claims 2-9, 12, 14-19, 22-28, 31-40 and 44-54 stand rejected as allegedly being unpatentable under 35 USC § 103 based on a combination of the AAPA or Elgamal with other references. Applicants respectfully disagree and traverse these rejections.

Applicants respectfully submit that none of the additional references make up for the deficiencies of the AAPA or Elgamal set forth above. Accordingly, Applicants respectfully submit that dependent claims 2-9, 12, 14-19, 22-28, 31-40 and 44-54 are not rendered obvious by any of the indicated combinations. Withdrawal of these rejections and allowance of claims 2-9, 12, 14-19, 22-28, 31-40 and 44-54 is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-28, 30-41 and 44-54 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC/ZBH:ame